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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,103	03/12/2004	Thomas Aisenbrey	INT03-003	7607
7590 06/30/2005				
GEORGE O. SAILE 28 DAVIS AVENUE POUGHKEEPSIE, NY 12603		EXAMINER LE, HOANGANH T		
		ART UNIT 2821		PAPER NUMBER
DATE MAILED: 06/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/799,103

Applicant(s)

AISENBREY, THOMAS

Examiner

HoangAnh T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Hoanganh Le  
Primary Examiner

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/04&9/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The applicant is requested to update the status of the application on page 4, lines 6-7.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,870,516 in view of Cobb (the US Patent No. 5,554,997, cited by Applicant).

The Aisenbrey reference teaches an antenna comprising: a number of antenna elements, wherein the antenna elements formed of a conductive loaded resin-based material, and wherein the conductive loaded resin-based material comprises micron conductor fibers and the micron conductor fibers homogenized within a base resin host

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and wherein the ratio of the weight of the micron conductor fibers to the weight of the base resin is between about 0.20 and 0.40, and electrical continuity to and among the antenna elements. The micron conductor fibers have diameters of between about 3 and 12 microns. The micron conductor fibers have lengths of between about 2 and 14 millimeters. The micron conductor fibers are stainless steel, nickel, copper, silver, carbon, graphite, or plated fibers. The antenna comprising the number of antenna elements is designed for frequencies between about 2 Kilohertz and 300 Gigahertz. 13. The antenna is a dipole antenna and the number of antenna elements is two antenna elements. The antenna is a monopole antenna and the number of antenna elements is one antenna element. The antenna is a monopole antenna, the number of antenna elements is one antenna element, and the antenna element is disposed perpendicular to a ground plane. The antenna can be a transmitting antenna, a receiving antenna, or both a transmitting antenna and a receiving antenna. Aisenbrey does not teach the antenna comprising a conductive wire having an outer jacket of conductive loaded resin-based material.

The Cobb reference teaches in figure 1A an antenna comprising a conductive wire having an outer jacket of conductive loaded resin-based material. The conducting metal wire is a non-insulated, single strand wire (figure 1a). The conducting metal wire is an insulated, single strand wire having a layer of insulation between the single strand wire and the outer jacket of conductive loaded resin-based material (figure 5)l. The conducting metal wire is a non-insulated, multi- strand wire. The conducting metal wire

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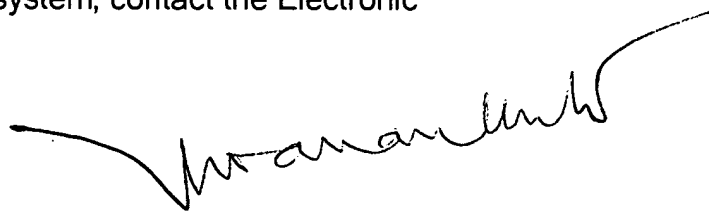
is an insulated, multi-strand wire having a layer of insulation between the multi-strand wire and the outer jacket of conductive loaded resin-based material.

Since one of ordinary skill in the art would recognize the benefit of improving the characteristics of the antenna, it would have been obvious to provide Aisenbrey with an antenna having a conductive wire and an outer jacket of conductive loaded resin-based material as taught by Cobb.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HoangAnh T. Le whose telephone number is (571) 272-1823. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HoangAnh Le  
Primary Examiner